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FEB 28 2005
PATENT & TRADEMARK OFFICE

Docket No.: 247055US3



COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/743,865

Applicants: Juusei MATSUMOTO, et al.

Filing Date: December 24, 2003

For: PACKING METHOD AND PACKING TOOL USED
IN THE METHOD

Group Art Unit: 3721

Examiner: Sameh Tawfik

SIR:

Attached hereto for filing are the following papers:

Restriction Response

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO: 247055US3

FEB 28 2005

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

JUUSEI MATSUMOTO, ET AL.

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: EXAMINER: SAMEH TAWFIK

SERIAL NO: 10/743,865

:

FILED: DECEMBER 24, 2003

: GROUP ART UNIT: 3721

FOR: PACKING METHOD AND
PACKING TOOL USED IN THE METHOD

:

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction requirement of February 1, 2005, Applicants provisionally elect Group I, Claims 1-5, with traverse, the invention noted in the request to be drawn to a method of using a palette and list Claims 1-5 as readable thereon.

Applicants traverse the outstanding Restriction requirement on the grounds that it has not been established that there would be an undue burden to examine each of the noted inventions' claims together.

Under M.P.E.P. § 803, a Restriction is not proper if a search and examination can be made without a serious burden on the Examiner, and the outstanding Restriction requirement has not established that examining each of the currently-pending claims together would result in an undue burden.

M.P.E.P. § 803 specifically states:

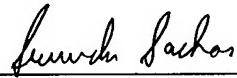
If the search and examination of an entire application can be made without serious burden, the examiner must examine it on

the merits, even though it includes claims to independent or distinct inventions.

The outstanding Restriction requirement has not established that each of the claims could not be examined together without an undue burden, and, thus, all of Claims 1-21 should be examined on the merits.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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